

Thomas-Jensen Affirmation

Exhibit # 100

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; et al.,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States; et al.,

Defendants.

C.A. No. 1:25-cv-00039-JJM-PAS

DECLARATION OF KATE NASS

I, Kate Nass, declare as follows:

1. I am the Chief Financial Officer at the Oregon Department of Administrative Services (“DAS”). I have been in this position for nearly two years. Prior to serving as Chief Financial Officer, I served as Deputy Chief Financial Officer at DAS for more than 5 years. I make this declaration based on personal knowledge and the records of DAS and other state agencies and offices maintained in the ordinary course of state business. The amounts referenced in this declaration are approximate and use the best estimates I have been able to develop in the time available. I would testify to the following if called as a witness.

2. DAS is the central administrative department of Oregon state government that serves the Governor, executive agencies and commissions, and the Oregon Legislative Assembly. DAS serves state government by providing financial services, payroll services, human resources services, and information technology services, among other things. The financial services that my team and I provide for state government at DAS include accounting and budgeting, budget forecasting, year-end reporting, and preparation of financial statements.

In my role, I am responsible for planning for and reporting the receipt of federal dollars to state government.

3. I provide this declaration to describe some of the impacts on Oregon of the January 27, 2025, Memorandum M-25-13 from Acting Director Matthew J. Vaeth of the Office and Management and Budget in the Executive Office of the President with the subject line “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs” (“OMB Memo”).

4. A significant portion of Oregon’s budget is federally funded. Oregon’s current budget includes approximately 31% federal funds, but this is an underestimate because the Oregon Department of Transportation receives federal funds that are accounted for in the budget system as “other” funds.

5. For the 2023-25 Legislatively Approved Budget, the State of Oregon’s biennial budget totals \$127.5 billion, which includes the projected receipt of \$39.5 billion in federal funds. The state is in the middle of the second fiscal year of the biennium and actual federal receipts are not finalized for the biennium. In fiscal year 2024, which ended June 30, 2024, the state expended approximately \$20.7 billion in federal funds. State budgeting processes, including legislative approval, account for expected receipt of federal funds. Federal funding supports many essential programs and services across the state including education and child care, public assistance and social welfare, public safety, infrastructure, highway safety, health care, vocational rehabilitation, and emergency response, including wildfire response.

6. The funding structure under which many Oregon agencies receive federal funds does not require the federal agency to pay an entire grant award at once. Rather, many grants are awarded for a specific not-to-exceed amounts or are based on approved match rates for state

funding and are paid on a periodic basis over the life of the grant or approved program. Under that model, the state agency performs the work provided for by the federal grant (or contracts to perform the work) and pays the state employees or contractors. It then seeks reimbursement under the federal grant program on a regular, often scheduled, basis. Such programs include Medicaid, TANF, Child Care Development Fund and FEMA, among others. Federal grant terms can extend for multiple years.

7. I became alarmed when I learned that multiple state agencies were unable to access the web-based federal funding systems through which they receive federal grant monies starting on Tuesday, January 28. That caused me to evaluate the state's scheduled upcoming payments, how much was projected to be reimbursed with federal funds and understand the impact on cash flows to determine whether the state would be able to continue to provide essential state services as normal and to meet its financial obligations. Adding to the challenge is the uncertainty of timing, or amount, of reimbursements, making it almost impossible to conduct analysis relating to how many days of interrupted federal funding across the state can pass before the state's provision of essential services would be severely adversely impacted.

8. Multiple agencies across Oregon were impacted by federal funding pauses following the issuance of the OMB Memo. Among other agencies, the Oregon Health Authority (Oregon's Medicaid agency) was unable to access its Medicaid federal funding system on Tuesday, January 28, for the entirety of the day, which caused Oregon Health Authority to lose a day of work. At the same time, other state agencies also found that their access to existing grants was frozen or that funding was delayed (at best) for longer than normal. Yet other agencies found that grant awards simply disappeared from the federal government application on which grants are managed. These issues caused widespread concern and confusion

throughout state government during the week of January 27. As of the afternoon of Friday, January 30, some agencies were still unable to access their grant accounts and others had not received federal funding to which they are entitled. That is still the case on the date I execute this declaration.

9. Some examples of the essential services provided to Oregonians that are funded by federal funds through state agencies include:

- a. Oregon Health Authority relied on approximately \$10.1 billion in federal funding in fiscal year 2024 for a number of programs including health care for low-income Oregonians through Medical Assistance and Child Health Insurance Program, public health programs, and substance abuse and mental health services.
- b. Oregon Department of Human Services relied on approximately \$6.4 billion in federal funding in fiscal year 2024 including programs providing needed services for Oregonians with intellectual and developmental disabilities, long term care services for older Oregonians, supports through temporary assistance for needy families for low-income families, vocational rehabilitation services, Title IV E services for Oregon's foster care system, and childcare supports.
- c. Oregon Department of Education relied on approximately \$1.3 billion in federal funding in fiscal year 2024 to support schools for a number of programs including school nutrition and lunch programs, grants to Title I schools, and special education programs.
- d. Oregon Department of Transportation relied on approximately \$740 million in federal funding in fiscal year 2024 to support programs such as


highway planning and construction, highway safety, and grants for rural and tribal transit services.

10. The State of Oregon cannot fulfill its obligations and provide essential services to Oregonians without receiving the federal grants that have been awarded to it across government agencies. The OMB Memo provides no indication of how long the anticipated funding pauses would last. If federal funding streams upon which the operation of state government relies were paused for more than a few days, that interruption of funding would have a significant adverse impact on the operation of state government and, ultimately, the health and welfare of the people of Oregon that state government serves. Many essential state services would be adversely and irreparably affected, from the provision of health care to needy Oregonians and school lunches to schoolchildren to the provision of public safety services and emergency management services, including winter storm and wildfire response.

11. Every day that funding is paused increases the harm to the public. The ultimate danger of a federal funding pause across programs, or even in just a few programs, is that it would ultimately require Oregon to cut services to Oregonians. Program cuts would cause irreparable harm because many Oregonians would be forced to go without the health care, food, housing assistance, employment assistance, public safety services, and emergency management services for which the federal government pays or contributes.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 5, 2025, at Salem, Oregon.



KATE NASS